

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 11
: :
96 WYTHE ACQUISITION LLC, : Case No. 21-22108 (SHL)
: :
Debtor. :
: :
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**ORDER TO SHOW CAUSE (A) SCHEDULING A HEARING TO
CONSIDER COERCIVE CIVIL SANCTIONS AND (B) DIRECTING
DANIEL NORENSBERG TO ATTEND SUCH HEARING**

On August 8, 2022, the Court entered its *Order Authorizing Discovery Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure* [Dkt. No. 647] (the "Rule 2004 Order"); and Stephen Gray, not individually but solely in his capacity as the Chapter 11 trustee (the "Trustee") of the above-captioned debtor (the "Debtor"), issued and served a subpoena to Norensberg & Associates Inc. ("Norensberg") pursuant to the Rule 2004 Order (the "Trustee Subpoena") which requires Norensberg to, among other things, produce all documents and communications concerning, reflecting, or evidencing the Debtor's affairs, assets, liabilities, and transfers; and Norensberg failed to comply with the Trustee Subpoena; and on October 26, 2022, the Trustee filed his *Motion for an Order Compelling Norensberg & Associates Inc. to Comply with the Court's Rule 2004 Order and Subpoena* [Dkt. No. 757] (the ("Motion to Compel"); and following the Court's consideration of the Motion to Compel during a hearing on

November 10, 2022, the Court entered the *Order Compelling Norensberg & Associates Inc. to Comply with the Court's Rule 2004 Order and the Trustee's Subpoena* [Dkt. No. 783] (the "Compliance Order"); and on December 6, 2022, the Trustee having filed the *Declaration of Neil Berger in Further Support of Request for Entry of an Order Imposing Coercive Civil Sanctions – Norensberg & Associates Inc.* [Dkt. No. 822] (the "Berger Declaration"); and on December 6, 2022, Daniel Norensberg sent an email to the Court stating "I will promptly upload the files I have"; and the court having considered the Berger Declaration at the December 7, 2022 conference; and upon the record made during the December 7, 2022 conference; and upon all the prior pleadings and proceedings had herein; and good and sufficient cause being established; it is hereby

ORDERED, that Daniel Norensberg is directed to appear before the Court on **December 20, 2022 at 2:00 p.m.** (the "December 20 Hearing") that will take place via Zoom for Government, at which time the Court will conduct a hearing and will consider entry of an order declaring that Norensberg is now in civil contempt for failure to comply with the Rule 2004 Order, the Trustee Subpoena and the Compliance Order; and it is further

ORDERED, during the December 20 Hearing, the Court will consider entry of an order imposing coercive civil sanctions in the amount of \$500 *per diem* to be paid by Daniel Norensberg to compel Norensberg's compliance with the Rule 2004 Order, the Trustee Subpoena and the Compliance Order; and it is further

ORDERED, that the Trustee shall serve a copy of this Order by Federal Express and email (where available) upon Norensberg by December 9, 2022, and the Trustee shall also serve a copy of this Order by FedEx and email (where available) upon: (a) the United States Trustee; and (b) all parties that have filed a notice of appearance in this case not later than one business day after the date of entry of this Order; the Trustee shall serve a copy of this Order by FedEx or email upon: (a) Norensberg; (b) the United States Trustee; and (c) all parties that have filed a notice of appearance in this case; and it is further

ORDERED, that any written objections and responses to a finding of contempt and/or the imposition of coercive civil sanctions as set forth herein shall be filed and served upon Togut, Segal & Segal LLP, counsel for the Trustee (neilberger@teamtogut.com) and delivered directly to Bankruptcy Judge Lane's Chambers at 300 Quarropas Street, White Plains, New York 10601-4140, so as to be filed and received on or before December 15, 2022 at 4:00 p.m. (the "Objection Deadline"); and it is further

ORDERED, that *the Court may decline to consider any* objections and responses that are not *timely* served on or before the Objection Deadline, shall be barred and waived.

Dated: White Plains, New York
December 9, 2022

/s/ Sean H. Lane

HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE